Gazette of the United States.

[No. XXII.] SATURDAY, JUNE 27, 1789. [*Published on Wednesday and Saturday.*]

THE TABLET.

No. XXII.

"There are impertinent books as well as impertinent men."

If some persons are prevented from acquiring useful knowledge by their intellectual incapacity; there are others, who possessing talents, fail of important attainments by wearing away their time in trivial studies. A person generally supposes he gives a satisfactory account of employing himself, when he can say he has been engaged in reading. He may however deceive himself as well as others in this respect. It is not more common or more disagreeable to find men deficient in their ideas, from a neglect of books, than it is to observe them bloated with notions that are false or frivilous, by an injudicious choice of authors. An acquaintance of mine, who is celebrated for his literary taste and ingenuity, invited me the other morning to look at his library, which is said to be an excellent one. If novelty gives a claim to merit, my friend deserves great praise for his collection of books; for he certainly has filled his shelves with such performances, as scarce any man but himself would ever think of purchasing. After expatiating upon a variety of authors I had never heard of, and a still greater number I had never read, he told me he had taken immense pains to ascertain every minute circumstance relative to the building of Noah's Ark. No history either sacred or profane, that threw any light upon that interesting subject, had escaped his notice. It is, he said, to be regretted that the particulars of that celebrated work of antiquity are not more generally known. The vast delight he had found in his researches, he assured me, were not to be described. As I considered myself uselessly employed in hearing his descriptions, my readers will make the same remark, if this essay communicates a conversation so unimportant. My friend informed me of many other, what he called, curious discoveries or attainments; and his pride seemed to consist in knowing what none of his acquaintance knew, or had any inclination to know.

The design of reading is not so much to encrease the quantity of our knowledge as the propriety and utility of it.—Men of leisure, who have patience of investigation, may perhaps employ themselves in useless enquiries without producing any hurtful effects; indeed they may happen to strike upon some discovery, from which benefit will result. But where such an ardor of curiosity prevails as to push people into researches, from which no practical advantage is derived, it disqualifies them for active pursuits in life.

It should be an established rule with every person who reads, to enquire of himself, when he lays aside his book; firstly, whether he has gained any ideas at all; and secondly, whether they are just and useful. To read, and yet to acquire no ideas, is at any rate a mispence of time; but the mere loss of time is not so pernicious as to catch sentiments that are fallacious or trifling. I will close this number with an extract from a sensible author, who in touching upon this subject makes the following remarks.

"*Didymus the gramarian wrote four thousand books; wherein he is much concerned to discover where Homer was born; who was Æneas's true mother; and whether Anacreon was the greater whore master or drunkard, with other fopperies, that a man would labor to forget if he knew them. Is it not an important question which of the two was first, the mallet or the tongs? Some people are extremely inquisitive to know how many oars Ulysses had; which was first written, the Iliads or the Odysses; or if they were both done by the same hand. A man is never a jot more learned for this curiosity, but much more troublesome. Am I ever the more just, the more moderate, valiant, or liberal, for knowing that Curius Dentatus was the first that carried elephants in triumph? Teach me my duty to providence, to my neighbor, and to myself; to dispute with Socrates; to doubt with Carneades; to set up my rest with Epicurus; to master my appetite with the Stoics; and to renounce the world with the Cynic. What a deal of business there is, first, to make Homer a philosopher; and secondly, in what classes to range him? One will have him to be a stoic, a friend to virtue, and an enemy to pleasure; prefering honesty even to immortality itself: Another makes him an Epicurean; one that loves his quiet, and to spend his time in good company: Some are positive in it, that he was a Peripatetic; and others, that he was a Sceptic. But it is clear, that in being all these things he was not any one of them. These divided opinions do not at all hinder us from agreeing, upon the main, that he was a wise man. Let us therefore apply ourselves to those things that made him so, and even let the rest alone.*"

SKETCH OF PROCEEDINGS OF CONGRESS.

In the House *of* REPRESENTATIVES *of the* UNITED STATES

THURSDAY, JUNE 18, 1789.

The question. *Whether the Setretary of Foreign Affairs should be removeable by the President?* still under consideration.

Mr. WHITE. This question has occasioned a solemn debate, tho' some gentlemen have considered it so clear or so trivial as to excite their surprise, that it has again been brought before the house. I consider it as the most important question that has been yet considered; the most important that I ever had a voice in discussing or a vote in determining, except that of adopting the constitution itself in the convention of Virginia. I consider the day on which the sense of the house is to be taken on this subject as a memorable day in the annals of America. Sir, I do not consider it is simply whether the power shall be vested in the President, or in the President and Senate. The constitution has determined that point. Nor do I consider the question to be whether offices are to be held during good behaviour, or at the pleasure of those who appoint them. I suppose that on a fair and necessary construction of the constitution, that matter is settled. All arguments tending to show that one or the other mode of appointment or removal, is proper or improper, or that they ought to be dispatced by impeachment, are inapplicable to the present case. But the respectability of the characters who support these arguments entitle them to notice.

I shall proceed, Sir, to enquire, whether we are bound by the constitution, or whether we may grant to others, or assume to ourselves, powers which the constitution has not given in express terms, or by necessary implication? This I conceive to be the question.

It is not contended that the power proposed to be vested in the President is given him in express terms, or thatit can be inferred from any particular clause of the constitution. It is sought for from another source, the general nature of executive power; it is on this principle the clause is advocated, or I mistake the gentleman's argument. It was said by the gentleman, who opened the debate in opposition to this amendment, that the constitution having vested the President with a general executive power, thereby all those powers were vested which were not expresly excepted, and therefore he possessed the power of removal. Sir, this is not to be learned in the American governments. Each state has an executive magistrate; but look at his powers and I believe it will not be found that he has, in any one, the right of appointing or removing officers. —— In Virginia I know that all the great officers are appointed by the General Assembly. This is generally the fact in other states. If then the doctrine of the gentleman is to be supported by examples, it must be by those brought from beyond the Atlantic—We must also there look for rules, by which the executive power, in the latitude of this principle, may be circumscribed, if indeed it can be limited. Upon this principle, sir, the same power is given to the legislature—they will possess all powers not expressly excepted. If the President has all executive powers which are not expresly excepted, I do not know that there can be a more arbitrary government. The President, I conceive, will have all the power of a monarch; and the legislature all the powers of the most sovereign legislation. This I take to be a clear and necessary deduction from the principle on which the clause in the bill is founded. The President is limited in the appointment of ambassadors, consuls, judges, and all other officers, and in making treaties. In these he is expresly limited, and no further. Take from him these, and give him all other executive powers, as exercised in a monarchy, and see what they will be. There are also exceptions to the legislative power; such as that they shall not for a time prohibit the importation of slaves; that direct taxes shall not be laid, but in a certain mode; that taxes shall be uniform; that they shall grant no titles of nobility, &c. These are the exceptions to the legislative: Now give them all the powers of the parliament of Great-Britein, and what kind of government will you have? I can not describe it. It appears to me absolute and as extensive as any despotism.

If you go once beyond the boundaries of the constitution where can you draw a line with any precision? and with what safety to liberty can the doctrine of this clause be supported. I understand our system different in its form and spirit from all other governments in the world. It is in part national and partly federal; and though it is more extensive in its powers than most other confederated governments, yet the Congress is not to be compared to national legislatures.—To these, general powers are granted, some with and some without any particular reservations in favour of the body of the people; and to those only will the gentleman's reasonings apply.—Here is no analogy.—This is a government constituted for particular purposes only; and the powers which the people have thought proper to grant are specifically enumerated, and disposed of among the various branches. If these powers are insufficient, or if they are improperly distributed, it is not our fault, nor within our power to remedy.—The people must grant further powers—organize those already granted in a more perfect manner, or suffer from the defect. We can neither enlarge nor modify them.

Sir, this was the ground on which the friends of the government have supported it; it was a safe ground, and I venture to say that it would not have been supported on any other. In the State from which I came, if its advocates had not maintained this principle, it would never have been ratified.

Mr. White then read a part of the ratification by Virginia, in support of this assertion.

Sir, said he, how far the establishment of the principle contended for may affect the completion of our Union, I will not undertake to say: I will only remark that the State of North-Carolina has expressed nearly the same sentiments as Virginia, with this difference, that Carolina would not adopt the constitution till it was satisfied of this principle, that we could not by constructive acts enlarge our powers, in order at a future day to destroy the State governments, and with them the liberties of the people.

Sir, I could likewise suggest to gentlemen the local situation of that country. It is contiguous to Kentuckey, which united to Carolina, form a territory of amazing extent from the Atlantic to the banks of the Ohio. The people of this tract are in such a situation as that a single spark from this house would kindle a flame which it would be difficult if not impossible to extinguish; and excite such a dread as would render them utterly irreconcileable to our government.

Sir, this is not a vain apprehension, because the opposers of the constitution founded their arguments upon it—They contended that you would make constructions in your favor, and assume powers not intended to be vested in you by the people. I wish, Sir, my apprehensions may be ill founded, and contradicted by the event. The measure proposed, I acknowledge, is advocated by respectable friends to the Union within these doors, and by many without. But I believe much of this arises from the clause in question conferring the power on a man, whom all the world admires, and who they know will not abuse it. But, Sir, on this occasion I forget who is President; but I do not forget that the worst of precedents are often established in the best of times. We may give the power to a particular man in office, because he will not abuse it; but we cannot take away that power from those who may succeed him. I do not mean to infer from this, that if the constitution had vested the power in the President, it would be improper he should have it. That is a question which I will not undertake to determine. It is unnecessary; the true question before us being simply a constitutional one.

Without entering into a detail of the evils that may arise, as gentlemen have done on both sides of the House; let us consider whether the greater evil will not arise from our explaining the constitution at this time. Is there any necessity for it? If the constitution has given the power to the President, can he not exercise it without our passing an act on the subject? Will not the clause be useless? If the constitution has not given it him, shall we go beyond the limits that are set us, in order to extend it to him? I hope not. But it seems to be a doubtful point: Some think he has the power; others not. Then, Sir, I would leave the construction to himself. If it should become necessary to exercise the power, let him do it: The occasion for the exercise of it will be a better comment than any we can give—It will better explain it to the people, and reconcile them to it more perfectly than any law from the legislature.

If the necessity of the case compel him to exercise the power, even if wrong, the people will acquiesce. I will give you an example, Sir: In Virginia, when the operations of the war required exertions of the chief magistrate, beyond the authority of the law, our late governor Nelson, whose name must be dear to every friend to liberty, was obliged to issue his warrants and impress supplies for the army. Though it was known that he exceeded his authority, his warrants were executed; his country was benefited by this resolute measure, and he himself afterwards indemnified by the legislature. Sir, I do not wish to encourage acts of this kind, but I say it would be better for the executive to assume the exercise of such a power on extraordinary occasions, than for us to delegate to him an extraordinary power to be exercised on all occasions.

Some gentlemen have supposed that the constitution has made no provision for the removal of officers; and they have called it an omitted case, and a defect. They ask, if we may not supply that defect? I answer, no. For if we can make any possible alteration, we may go on and make the constitution just what we please. But as a further answer, I say, it is not an omitted case. For the constitution having directed by whom officers shall be appointed, it does direct also by whom they shall be removed. That doctrine was so well supported by a gentleman yesterday, that I will not repeat. Sir, this must have been in the contemplation of the gentlemen who formed the constitution. Is it probable that they never thought about the manner in which an officer should be displaced? When they provided that the judges should hold their offices during good behaviour, did they not intend that all others should be held during pleasure? It is not then an omitted case.

Gentlemen have supposed that the President may suspend, and that as he has a right to make a temporary appointment, he has also a right to make a temporary removal. I think he has so, as it is correspondent with his power of appointing. But it has been said that if the concurrence of the Senate is necessary, they may refuse to concur when a removal is necessary. Sir, if you are to suppose that the government cannot be executed in its present form, there is no remedy for such a misfortune; but we are not to suppose it—We are to presume that the Senate will do their duty—You may go on without end in supposing. You may suppose that the President may not do what is right—You may even suppose that this House will not do what is right. What is the consequence? Why, our constituents must bear with us till they have an opportunity for a remedy. But shall we, because the Senate may do wrong, give the President a power to act without them. We may as well, Sir, if the Senate refuse to concur in a favorite bill of this House, proceed to pass the law without them. But it has been asked, whether a person in the elevated station of President would probably abuse his trust? I presume he will not; neither do I presume the Senate will.

A gentleman, Sir, in order to get over the objections made to the clause, has recurred to that part of the constitution, which says, that Congress may by law vest the appointment of inferior officers in the President, in the courts of law, or heads of departments, and has inferred that he is to be considered himself the head and center of all those departments. This comes from one whom I always hear with pleasure, on account of his sound reason and perspicuity of expression. But, Sir, I must differ with him. Who are the heads of departments? We have a secretary for foreign affairs; another of the treasury, &c. Now are not these the principal officers in those departments? If they are, they are the heads. Who are the inferor officers? The chief clerks, and all who may depend upon them. The gentlemen who formed the constitution would not, it seems, give to the President at all events the power of appointing these inferior officers to which that of removal is attached.

Sir, when I set out with saying that the constitution is the precise limit to the deliberations of this body, it may, at first view, appear inconsistent with what I have said respecting constructions. But, Sir, I say that when a thing is granted in general terms, that which in its own nature is attached to it, must go with it, without particular explanation. Without this principle, Congress could not execute the system. To make this clear, the constitution authorises the government to appoint supreme and inferior judges. By natural and necessary construction therefore, the legislature may say, how many judges there shall be; how often and where they shall hold their terms, and what their salaries shall be. These are natural and safe constructions—But constructions of every other kind are beyond the limits of the constitution.

Sir, I shall trouble the committee no longer. I should not perhaps have troubled them so long; but on a matter of such great importance, one which lies so heavy on my mind, and for which I am so anxiously concerned, I could not avoid expressing my sentiments fully. I am, Sir, strongly impressed with the idea, that the giving powers, which are not within the letter of the constitution, will be to the people a circumstance of alarm and terror. [*Daily Ad.*]

Mr. PAGE observed, that he had quite different ideas upon the clause in debate from gentlemen who supposed that it would encrease the responsibility of the President—He conceived that making the heads of departments dependent on him, would in a great measure, destroy that responsibility—It would encrease the number of his dependants who would all be interested in supporting his administration, whether according to the principles of the constitution or not—and thus he would be hedged in on every side—and what then becomes of his responsibility? The clause of the constitution which provides that officers shall be removed for high crimes and misdemeanors, plainly includes all those officers and crimes which it is contended for, to make the President the sole judge of.—The Senate is the bulwark of the sovereignty of the States—They ought not only to have a voice in the framing laws, but ought also to see to the execution of those laws.

The retaining this clause in the bill, will excite tenfold clamours for amendments—It will be considered as making the President an independent monarch.

Mr. SEDGWICK: It is contended, that this question is already settled by the constitution—That the power which gives, is the only power to take away, is true, if the delegation of power sup-

poſes all that which is requiſite to the acquiſition of the object of the power. It has been contended on one ſide, but is not conceded on the other; that the power of appointments is not veſted in the Senate. That the Preſident is to nominate and appoint is evident.—Treaties are to be made by the Preſident, by and with the advice and conſent of the Senate—Does the Senate *make* treaties? But not to recapitulate arguments, it was upon another idea (Mr. Sedgwick obſerved that) he roſe.

The inſtitution of the office to be eſtabliſhed by this bill originates in the idea of the incompetency of man. All the powers neceſarily devolve upon the Preſident which this officer is to be appointed to execut —hence the reaſon and propriety of the abſolute dependence on, and reſponſibility of this officer to the Preſident.—The executive department is extenſive, and naturally divides itſelf into a variety of different branches—all theſe branches are, or ought to be amenable to the chief magiſtrate, hence his reſponſibility is greatly increaſed, provided the officers of theſe ſeveral branches are made dependent upon him—but can this reſponſibility be reaſonably or juſtly expected of him, while the perſons executing the duties of theſe departments are independent of him: The truth is, all theſe executive officers are as ſo many auxiliaries of the ſupreme executive, and therefore their reſponſibility is naturally reſolved into that of the Preſident as conſtituent parts of it: And without an entire dependance upon him the idea of reſponſibility in him is weakened and deſtroyed. In caſes of incapacity and diſqualification, which perhaps can be known only by long acquaintance and the frequent recurring of evidence, what is to be done? muſt the Preſident before he ſhall be relieved from the burden of ſuch an officer, or the public ſervice placed in an eligible ſituation by diſplacing unſuitable and introducing proper characters—I ſay muſt the Preſident appear before a court of impeachment? muſt he be one party and the accuſed another? Let gentlemen conſider what muſt be the reſult of ſuch a ſituation of things.

The reſponſibility of the Senate is loſt in contemplating the difficulty of impeaching the members of a collective body. It has been ſaid, that the judges are the only ſuitable perſons to determine this queſtion; but from the reaſoning of others this point is by no means clear: An appeal to the judiciary muſt be conceded as foreign, and can not engage the ſerious attention of the committee at the preſent moment.

Mr. Lee replied to the various objections of Mr. White: He then proceeded to ſtate the merits of the queſtion, and obſerved, That it is a maxim in government, that the legiſlative, executive, and judicial powers, ſhould be kept ſeparate and diſtinct as poſſible.

In the formation of the Conſtitution of the ſeveral States, particular attention has been paid to this eſſential point.

The Conſtitution under which this Houſe is now ſitting, is framed upon the ſame principle; and it lays with this body to keep thoſe powers in that ſtate of ſeparation: It is of conſequence that the people ſhould form juſt ideas of theſe diſtinct powers, and know where they are ſeverally depoſited, ſo that by this means, the public jealouſy may at all times receive a proper direction: On this, the liberties of the people depend—that modification of the branches which inveſts them with the powers peculiar to their original deſign, is the only way to create that reſponſibility, without which the government never can be watched and guarded. This reſponſibility muſt of neceſſity reſt principally with the executive branch; it is in vain to look for it in the other branches: It is that branch which is naturally reſorted to as the centre of this reſponſibility; it is congenial to the ideas which we connect with the inſtitution of the office of Chief Magiſtrate; it is implied in the very expreſſion: Now if the miniſters of thoſe departments which are created to carry into effect the great executive objects of government, are independent of the Preſident, or are rendered accountable to the joint control of the Senate and the Preſident, it is evident that the idea of reſponſibility is diſſipated, and in a great meaſure loſt—will this be agreeable to the wiſhes of the people? Upon the whole I cannot ſee the danger which gentlemen appear to apprehend from that conſtruction of the Conſtitution which this clauſe is calculated to give: On the other hand it appears to me perfectly conſonant to its ſpirit and deſign; and it is the duty of the Houſe to give a deciſive opinion on the caſe.

Mr. Boudinot: I have, Sir, attended with the greateſt care to the arguments which have been offered upon both ſides of the ſubject before the committee, and from the whole am convinced, that the efficacy of the government depends on a juſt deciſion of this queſtion: I ſhall always turn my attention to the Conſtitution; it is our only ſafe directory: I cannot agree with the gentleman from Virginia, that this Congreſs cannot with propriety explain and modify the principles of the Conſtitution; for if this is a fact, we have no buſineſs here: Congreſs has a right to exerciſe all the powers that are deducible from the Conſtitution: We are not to be influenced by ratifications, or by the ſeceding States: I contend that this power is inveſted in the Preſident, and that it is the duty of this Houſe to declare it: The powers of the reſpective branches ought to be defined and ſeparated: One great objection to the Conſtitution is, that the powers are not properly ſeparated.

Mr. Boudinot then repeated the arguments upon appropriating the reſpective powers, and obſerved, that officers were appointed and commiſſioned by the Preſident, and not by the Senate: The officer at the head of the department of Foreign Affairs is to obey the orders of the Preſident, and conſequently muſt be dependent upon him, or elſe his obedience cannot be commanded: If we forbear by a legiſlative act to declare that the power of removal is in the Preſident, ſhall we not leave our great executive departments in confuſion, and ſow the ſeeds of jealouſy and diſſatisfaction among the ſeveral branches of government? Gentlemen have propoſed as a ſubſtitute the power of ſuſpenſion; but this power will be found as exceptionable as the other, and liable to great abuſes. The Preſident will be cautious of unneceſſary removals; the Senate may refuſe to fill the vacancies; what will be the conſequence? It is painful to reflect upon the ſubject in this point of view: The power muſt then reſt with the Preſident; it will be impoſſible for him to perform the duties of his department without it.

Mr. Jackson obſerved, That the deciſion upon the clauſe in this bill involves the fate of the other two, the War and Treaſury departments; and it is evidently the object of the Bill, to eſtabliſh the principle in the preſent inſtance, before the department of the Treaſury is brought forward.

I contend Sir, that the ſeveral branches of the Legiſlature are plainly pointed out in the conſtitution; and thoſe of the Preſident are particularly enumerated: The heads alſo of the ſeveral departments are enumerated and deſignated as ſeparate; and the Preſident is not conſidered as the head of the whole: He is to receive their advice and require their opinions in writing—this is the expreſs language of the conſtitution: If they are then meerly parts or appendages of the executive, this proviſion in the Conſtitution will be nugatory. I beg leave to differ from gentlemen in regard to conſtructions—I conſider them as dangerous: The Conſtitution has pointed out theſe departments—Congreſs may arrange them; but this is different from conſtruing the ſyſtem: If we preſume to define and conſtrue the Conſtitution, there is no limits to the buſineſs; if one is made, we may go on from *alpha* to *omega*. The various branches cannot in the nature of things be ſo ſeparate and independent as ſome gentlemen pretend: Let us revert to that excellent writer Publius: He has proved that the Senate are armed with executive power; and on the other hand the Preſident has a ſhare in legiſlation. Gentlemen have ſaid, that the power contended for is neceſſary to prevent a miſapplication of the public money; but I contend Sir, if we give this power to the Preſident, he will have the liberties of the people in his hands; for if the officers ſhould oppoſe his meaſures, however bad, he may diſplace them at pleaſure—and whoſe hands will the Treaſury then fall into? The purſe and the ſword are paramount to all other conſiderations: Give a man an uncontrolable dominion over theſe, and you make him a deſpot; give him theſe, and where will be your boaſted liberties?

It has been ſaid, that the power being veſted in the Senate would be equally dangerous; but I aſk, where is the greater danger from power, in the one, or the many? The Senate is continually reverting to the maſs of the people; the ſtate legiſlatures will be a check upon them. The Preſident has already got the ſword—give him the purſe with the army and navy, and what is there left? What can he not do? With the command of the public cheſt, he would always be able to ſecure his election, and thus perpetuate his political exiſtence. Let us look round us this very moment, and ſee what ſtrides we are making towards venality and corruption. We already hear the high ſounding titles of His Highneſs, and Moſt Honorable, which ten years ago would have exalted a man to a ſtation as high as Haman's gallows: Theſe titles have been echoed in the newſpapers of Boſton, a town which fifteen years ſince would acknowledge no King but the Lord of Hoſts.

Mr. Jackſon further obſerved, that the principle he had repeatedly advanced, reſpecting the great departments being pointed out in the conſtitution ſpecifically, and not as neceſſarily connected with the Preſident, had not been attended to; he called upon gentlemen to ſhew the fallacy of this principle: It was clearly in his mind, that it went to ſhew the unconſtitutionality of delegating this power to the Preſident; and he hoped the clauſe would not be adopted by the committee.

Mr. Scott: I have liſtened with great attention to the debates upon this queſtion, and putting the arguments of ſome gentlemen together, they amount to juſt this; the raiſing a great number of frighful pictures, which at firſt ſight appear very terrific indeed; but when minutely examined, turn out to be the harmleſs progeny of a diſordered imagination: Let us examine one or two of theſe pictures as a ſample of the whole groupe; that we may judge whether there is ſuch danger in giving this power to the Preſident; and that ſecurity which ſome gentlemen pretend in ſtriking out the clauſe in the bill.

One of thoſe pictures repreſents the Preſident graſping the money cheſt, after having arbitrarily removed the officer whoſe duty it is to guard the treaſury: Then, Sir, in the back ground, we ſee the Preſident with the army the navy and the money cheſt engaging againſt the liberties of America and reducing the people to abject ſlavery; ſo ſudden is the alarm, and ſo terrible the onſet, that we are hardly allowed time to ſay Farewell to Liberty: And all this in conſequence of the Preſident's having a power to remove the officer of the treaſury.

But, Sir, the fact is, that our money may be in the treaſury by millions, and without ſpecial appropriation by the legiſlature, neither the Preſident not this officer can touch a farthing of it, unleſs they ſteal it: This being the caſe, I ſee as little ſafety to the treaſury from the independence of this officer, as danger to it, from his dependence on the Preſident.

But the Preſident may come with his army at his back, and ſeize the money cheſt: In this caſe I ſee but little advantage in the officers independence; for if he ſhould ſtand in the Preſident's way, I think he will be very apt to take him, and the money too.

From this view of the matter, it appears that gentlemen have been arguing from premiſes that do not exiſt, in order that they may draw ſtrong concluſions from them. They have been drawing pictures on a hard wall, to batter them down with their knuckles.

Another of theſe frighful pictures is raiſed out of a compariſon of the relationſhip between the Preſident and the people, with that between the Senate and the people, and here we have run deep into the ſcience of calculating kindred, and it ſeems to be concluded by the ſupporters of this motion, that the Senate are a much nearer kin to the people than the Preſident; therefore this ſtranger, the Preſident, muſt not be intruſted with the removal of officers; but our near kinſmen the Senate.

But the fact is, that the Preſident, above all the officers of government, both from the nature of his appointment and the duties of his office, may juſtly and truly be denominated The Man of the People, whereas the Senate are the mere repreſentatives of the ſovereignties of the ſeveral States compoſing the Union, which ſovereignties are the only effectual bar that can ever be raiſed againſt the juſt execution of the federal government, and perhaps a very efficient check to keep the federal government within proper conſtitutional bounds, and which repreſentatives have (officially) little or nothing to do with the people or their intereſts.

Hence it appears that although this picture is not quite ſo ludicrous as the other, it is equally an airy phantom, and ſo of the reſt.

Mr. Goodhue obſerved, that the great object of the preſent conſtitution is to provide thoſe powers, which we ſuffered ſo much for the want of, under the old confederation: It is clearly within the meaning and deſign of the conſtitution, that all thoſe powers which are neceſſary to carry the government into execution, ſhould be veſted in the ſeveral branches; of this deſcription is the power which the clauſe in this bill declares is veſted in the Preſident; and although this power enables him to remove an officer, yet the power of impeachment reſiding in the Senate, the Preſident cannot continue an officer in his place, without their conſent, however great a favorite he may be.

Mr. Gerry obſerved upon the danger and impropriety of the committee's undertaking to expound the conſtitution, or to conſtrue its various parts: The clauſe in the bill has been called a declaration of the ſenſe of the committee on the meaning of the conſtitution; upon this idea, it ought to be denominated a declaratory act; but he contended that Congreſs had no power to make a declaratory act.

Mr. Sherman: The more I hear the queſtion diſcuſſed, the more I think the clauſe ſhould be ſtruck out: It is ſaid, that the power is veſted in the Preſident by the conſtitution; if ſo, why ſhould we officiouſly go to tell the Preſident of it? It appears to me, it would be more proper to leave the matter to his determination according to the conſtitution: The Preſident is authoriſed to do every thing neceſſary to diſcharge the duties of the executive; but it is conſidered, that by reſtricting him from the power of appointing and removing officers at his will and pleaſure, the liberties of the people are more effectually ſecured. The exerciſe of this power in England has ſwallowed up all the rights and privileges of the nation, by giving all the power of government in a meaſure into the hands of the executive branch.

It has been ſaid, that the Senate are conſidered as a council of advice; But I think they are not conſidered in the conſtitution as merely an adviſory body; their conſent is alſo neceſſary in appointments; and they ſhould have the power of diſmiſſion conſequently: Thoſe who do not ſuppoſe that the conſtitution inveſts the power in the Preſident, and are in favor of the clauſe, ſuppoſe that the power ſhould be given him by law: This would be ſafer, than conſtruing the conſtitution, as conveying ſuch a power: But it appears to me, that the beſt way will be to leave the conſtitution to ſpeak for itſelf, whenever the public exigencies may require it; and not make a declaration, which may involve conſequences unfavorable to the freedom and happineſs of the people.

Mr. Ames ſaid it was diſagreeable to aſk the attention of the committee, when their patience was already weary, and their curioſity fated: Still he hoped to be of ſome uſe in bringing the various arguments to a point.

If the Conſtitution has veſted this power in any branch, it is agreed to be in the Preſident alone, or in the Preſident with advice of the Senate: But we are warned with great ſolemnity to forbear this enquiry. It is ſaid to be unneceſſary and dangerous. It is true we may decide wrong; but we are bound to decide. We are as much ſworn to exerciſe lawful powers for the common good, as to refrain from aſſuming powers not given us. We are as reſponſible for forbearing to act, as for acting. Shall we leave this queſtion to be contended between the Preſident and Senate? Is it not diſingenuous to ſay, it is too perplexed, and too important for us to determine, and to throw the burden of it upon the Preſident? After ſo long debate, a deciſion muſt be had. It could not be avoided by ſtriking the words out. That was deciding. We muſt reſolve it for ourſelves, as it may never come before the judges.

The executive power is veſted in the Preſident. If the Conſtitution had ſtopped there, and had not defined any duties, either he would have had no power at all, or he would derive from that general expreſſion, all the powers properly belonging to the executive. The Senate's power of advice is an exception from the rule. This exception muſt be conſtrued ſtrictly to reconcile the Conſtitution with itſelf. For without the power in queſtion, how can he ſee that the laws are executed, as he is required to do? It is the controul over officers. Take that out of his hands, and he is ſtripped of the power of his office. He is no longer reſponſible, or he muſt be made to anſwer for what he cannot prevent. The Senate not only adviſe ſecretly, but as their own diſcretion may direct. They are not anſwerable. The blame divided among ſo many will fall upon none.

We are ſervants, it is true; but we are watchmen—and we ſhould be unfaithful in both characters, if we ſhould ſo adminiſter the government, as to deſtroy its great principles, and moſt eſſential advantages.

This power ſeems, therefore, to fall within the lawful limits of the Preſident, to be neceſſary to controul officers, and to preſerve to the executive his independence.

If gentlemen on the other ſide ſhould not be ſatisfied with this conſtruction, a concluſion almoſt as ſtrong reſults from their doubts as from their aſſent: For they muſt bring more proof of the Senate's power of adviſing, or admit the power to be in the Preſident alone; unleſs they prefer rejecting both doctrines, and agree to diſpoſe of the power as it may be expedient. In that caſe, the dreadful array of objections drawn from the Conſtitution will avail nothing. The Conſtitution has not impoſed any duty upon the Senate, which this conſtruction in favor of the Preſident will prevent being done; nor is there a ſingle letter or clauſe, which by any fair or unfair conſtruction, is oppoſed to it. The argument drawn from the Conſtitution, reſts ſolely upon this principle, which is not to be found in it, but is ſaid to be reaſonable, that the power of removal from office is incident to the power of appointing to office. This is an aſſumed principle, and if denied, cannot be proved. Certainly it is often not true. But if true, it is not favorable to their doctrine; for the Preſident has expreſsly the power of nominating and appointing, though he muſt obtain the conſent of the Senate. He is the agent. They may prevent action; but cannot act. It is not eaſy to illuſtrate this point by examples which will exactly correſpond. But ſuppoſe that a man deviſes to his executor land, to be ſold (with the advice of a certain perſon) on certain conditions: The executor ſells with the conſent, and upon the conditions required in the will: The conditions are broken. Shall the executor re-enter for the breach of them; or has the perſon whom he was obliged to adviſe with in the ſale, any power to reſtrain him? The executor may remove the wrongful poſſeſſor from the land, though perhaps by the will he may hold it in truſt for ſome other perſon's benefit. In this manner the Preſident may remove from office, though, when vacant, he cannot fill it without advice of Senate.

We are told that it is dangerous to adopt conſtructions, and that what is not expreſsly given, is retained. Surely it is as improper in this way to confer power upon the Senate, as upon the Preſident.

The reſult is, that if the power is not in the Preſident ſolely, it is clearly not in the Preſident and Senate. For the very arguments which make the former doubtful, make the latter abſurd. Becauſe the queſtion was not free from doubt, he was ſafe in voting for the words in queſtion. If the Senate has not the power, which the arguments on both ſides prove with almoſt equal force, then the Preſident is veſted with it, or it is in the diſpoſal of the Legiſlature.

Certainly we ſhall not, of choice, confer it on the Senate. For the doubt whether the Preſident is not already entitled to it, is an argument againſt placing it in any other hands. Beſides the Senate is not always ſitting—is not reſponſible. It is out of their line of duty as legiſlators: They are to try; not accuſe offenders: They are not to give orders, but on complaint to judge of the breach of them.

We are warned againſt betraying liberty: We are told that all power tends to abuſe. And yet we cannot avoid truſting it out of our hands. What is intended by this? To the people it is of no importance as it reſpects their power. They cannot remove bad officers: They can neither gain nor loſe power by it. For the queſtion is only which of their ſervants ſhall have the power already granted. Wiſe and worthy as the Senators are, the power in their hands will not only tend to abuſe, but cannot tend to any thing elſe. Many free governments have been ſubverted. The world has profited by their experience, and agreed upon certain maxims: That all power is a truſt; that to prevent abuſe it muſt be diſtributed into three branches, who muſt be made independent, and to watch and check one another. If all power is given to the executive, it is a deſpotiſm. If the ſenatorial branch is inveſted with the executive authority, it is an ariſtocracy, which of all tyrannies is the worſt. As one uſurps the powers of the other, or has them conferred upon it, the government will vibrate towards one of theſe points. Theſe are to watch one another, and the people are to watch them all—and liberty may long be ſafe. Neglecting or deſpiſing theſe maxims, the ancient commonwealths were deſtroyed. A voice iſſues from the earth which hides their ruins, and proclaims to mankind the ſacredneſs of thoſe truths which are at this moment in controverſy. It is ſaid that the conſtitution has in fact blended the legiſlative and executive powers. This has been an objection againſt the conſtitution. If it is true, we ſhould reſtrain, not extend the evil. But perhaps with the ſole power of removal in the Preſident, the check of the Senate in appointments is proper: It is merely a check: It affords the moſt ſolid anſwer to the objection. There is much leſs objection to the adviſory power in appointments than in removals from office. The firſt may prevent a man's coming into office; but the latter holds him in office. The firſt is the tranſaction of an inſtant: The latter, a permanent thing It creates a continued connection. It is obvious how this will nurſe faction: How much it will promote intrigue to procure protectors, and to ſhelter tools. It is infuſing poiſon into the Conſtitution. It is an impure, unchaſte connection: There is ruin in it: It is tempting the integrity of the Senate with forbidden fruit. It ſhould not be poſſible for a branch of the legiſlature to hope for a ſhare of the executive power, which they are bound to watch: For they may be tempted to encreaſe the executive power, by the hope of partaking in the exerciſe of it. People are ſeldom jealous of their own power, and if they may become partners with the executive, will they be ſuitable watchmen?

Inſtead of being champions for liberty, they will become conſpirators againſt it. The executive ſhould be ſo far independent, as to defeat any attempts by either of the legiſlative branches to uſurp his prerogatives. In every poſſible event, his power ſhould be excluſive of their partnerſhip. But the propoſed executive controul of the Senate is ſetting that body above the Preſident. It tends to eſtabliſh an ariſtocracy by law; and at the moment of endangering the principles of our free and excellent Government, the people are to be amuſed with the ſound of liberty: For in this lies the danger to liberty: It infuſes a principle of mortality into a government, which the lovers of mankind have wiſhed might laſt to the end of the world. With a mixture of executive and legiſlative powers, no government can long remain free. With a corrupt executive, liberty may long be preſerved. But with a corrupt legiſlative, it is impoſſible. A government ſo formed, would be the moſt formidable curſe that could befal this country. Probably an enlightened people would forſee and amend the error in ſeaſon. But if time was allowed for ſuch a compound to produce its natural effects, it would either baniſh liberty, or the people would be driven to exerciſe the primary rights of nature, and to deſtroy a monſter which would deſtroy them.—He admired the free principles of the Conſtitution, and ſhould vote for the clauſe on account of its conformity to thoſe principles.

Wednesday, June 24.

The engroſſed bill for eſtabliſhing an executive department to be denominated the department of foreign affairs, which was referred to this day, was again read; and upon the queſtion, ſhall this bill paſs to be enacted? the yeas and nays were called for, when it appeared that there were 29 in the affirmative and 22 in the negative.

The amendments to the impoſt bill inſiſted upon by the Senate, were then taken into conſideration.

The diminution of the duties on ſpirits of Jamaica proof, from 15 to 12 cents, and on all other foreign ſpirits from 12 to 8 cents occaſioned ſome debate; but terminated in not acceding to the amendment of the Senate.

It was then propoſed, that the Houſe ſhould requeſt a conference with the Senate upon the ſubjects of their diſagreement: This propoſition was adopted, and a committee on the part of the Houſe choſen; which conſiſted of Mr. BOUDINOT, Mr. FITZSIMONS, and Mr. MADISON.

The Houſe proceeded next to conſider the amendments propoſed by the Senate to the bill impoſing duties on tonnage: Theſe were not acceded to, and the bill was referred to the committee of conference.

The Houſe then in committee of the whole, took into conſideration the bill for eſtabliſhing an executive department to be denominated the department of war: This bill after ſeveral amendments was agreed to; the committee then roſe; and the bill as reported by the chairman was taken up by the Houſe, but without coming to a full deciſion an adjournment was called for.

THURSDAY, JUNE 25.

Mr. WYNKOOP introduced the petition of GRIGGS, of Pennſylvania; ſtating, that he had invented a machine for the more ſpeedy manufacturing of nails; and praying for an excluſive right to the benefit of his invention for a term of years—laid on the table.

The bill for eſtabliſhing the war department, as reported by the committee of the whole, was taken into conſideration, and the ſeveral amendments being agreed to—it was voted that the bill as amended ſhould be engroſſed, in order for a third reading, and to-morrow was aſſigned for that purpoſe.

In committee of the whole on the bill to eſtabliſh a treaſury department.

Mr. TRUMBULL in the chair.

This bill provides, that there ſhall be the following officers in this department, viz. A Secretary of the Treaſury, a Comptroller, an Auditor, a Treaſurer, a Regiſter, and an Aſſiſtant to the Secretary of the Treaſury, and principal Clerks to the Comptroller and Auditor. Several amendments were propoſed and agreed to: But one propoſed by Mr. PAGE, viz. To ſtrike out from the ſecond clauſe theſe words, "*to digeſt and report plans for the improvement and management of the revenue and the ſupport of the public credit*" referring to the duty of the Secretary of the Treaſury, brought on an intereſting debate, which ended in ſubſtituting the word *prepare*, for *report*. The debate continued till three o'clock, when the committee roſe, and the Houſe adjourned.

FRIDAY, JUNE 26.

The Houſe met this day purſuant to adjournment, but the committee of conferrence being aſſembled, and a great proportion of the members attending their deliberations, it was moved to adjourn till to-morrow, which accordingly took place.

☞ The public will pleaſe to take notice, that in our laſt Gazette there was an error, in aſſerting that Mr. GERRY was in favor of Mr. CARROL's motion for limiting the duration of the act for eſtabliſhing a department of foreign affairs. Mr. Gerry had no objection to the *object* of Mr. Carrol's motion, which he thought might be better attained by a clauſe providing, "that the ſecretary of foreign affairs ſhall be appointed for a term not exceeding years," but he was againſt the *motion itſelf*, becauſe it would put the legiſlature under the neceſſity of making a new law for the reſtoration of the department, whereas the act might continue and the officer be diſmiſſed, when he was no longer uſeful. Mr. G. alſo thought the motion had a tendency to invade the rights of the executive; for at the expiration of the act, however neceſſary it might be to renew it, a party in the houſe may defeat it, from a diſlike to the officer who had been before appointed, and may thus controul the conſtitutional authority of the executive.

Alſo, in the laſt page of this paper, 2d. col. line 42 from bottom, in this ſentence, "power and liberty are moſt complete," inſtead of which read, *power and liberty are not moſt complete.*

FOREIGN AND DOMESTIC MISCELLANEOUS ARTICLES.

PARIS, APRIL 5.

The Aſſembly of the *States-Generaux* is ſtill fixed for the 27th inſt. The members are in general choſen; and notwithſtanding the novelty of popular elections, they were conducted with the utmoſt harmony.

LONDON, APRIL 13.

The war in the northern part of Europe will be carried on with great vigour; and much "bloody work" may be expected this ſummer.

There are great bets laid, that this country will be involved in a War, from her Pruſſian and Dutch connections, in leſs than one year.

His Majeſty's health continues *ſound*; his aſſiduity in buſineſs encreaſes, and no dangers are entertained of relapſe. The King's phyſicians are all to be penſioned, by parliament.

A day of general thankſgiving has been ordered on account of his Majeſty's recovery.

CHARLESTON, (S. C.) JUNE 2.

Wedneſday laſt came on in the court of general ſeſſions, before the Hon. judge Drayton, the trial of Mr. Weſcott, for gouging and maiming Mr. Bowen.

It appeared in evidence, in proof of the proſecution, that Mr. Bowen in paſſing the defendant, at the door of Mrs. Dewees, in King-ſtreet, bruſhed againſt his arm, which he conſidered as an affront, puſhed him ſo violently that he fell down, and in getting up ſtruck the defendant with a ſmall whip he held in his hand. Weſcott then threw him down again, got upon him, and gouged out one of his eyes. He then took the whip out of his hand and beat him violently with it. Perſons who ſaw the affray interpoſed, the eye was replaced in its ſocket, but the light entirely extinguiſhed, and the other one at times much affected by it.

In defence of the defendant, three countrymen were produced. The evidence of one of whom went to prove, that the aſſault was firſt began by the proſecutor; and the other two were of opinion, that the wound was received from ſome kicks which the defendant gave Bowen when he was down on the ground.

The attorney-general obſerved to the jury, that this offence was in ſtrictneſs of law a capital one, and if the offender had been treated as he ought, for what he had done, his life muſt have been taken away; and his lenity was by no means owing to any lenity in himſelf, but from the tender humanity of the aged proſecutor, who prevailed upon him, by repeated ſolicitations, to lay the indictment in the manner in which he had done.

It was almoſt unneceſſary for him to expatiate on the barbarity of the action—the birds of the air and the ſavages of the deſart employed their talons in the deſtruction of their prey; but for man, whoſe mind was endowed with the light of reaſon, barbarouſly to take away the ſight of one of his own ſpecies—for a young man thus to employ his hands upon an aged perſon, whoſe years and quiet deportment entitled him to reſpect, was ſuch a crime that he felt himſelf extremely ſorry in not having gone as far as the law allowed. This indictment was laid for a maim, which, according to the law laid down by judge Blackſtone, was puniſhable by fine and impriſonment, or otherwiſe, as the court think fit. The meaſure of puniſhment did not lie with the jury all they could do was to find him guilty, for which they had very ſatisfactory grounds, and he did not doubt but that when the court came to paſs ſentence the puniſhment inflicted would be of ſuch a nature as to raiſe in the country a monument of juſtice that would deter others from the perpetration of ſuch an unmanly, ſavage action.

The judge ſummed up the evidence, and laid down the law upon the occaſion.

The jury having retired, brought in a verdict of guilty, and the priſoner will be brought up on adjournment day to receive ſentence.

JUNE 9. Yeſterday the court of general ſeſſions paſſed the following ſentence on Mr. Weſcott, for gouging and maiming Mr. Bowen: That he ſhould ſtand in the pillory, on the green, near the goal, a quarter of an hour; be impriſoned for four week, pay the ſum of fifty pounds, and be kept in confinement till the fine is paid.

JUNE 11. On Thurſday the 28th ult. in Camden diſtrict, a duel with piſtol was fought between Mr. Jacob Brown, and Capt. Baker, in which the latter was killed, and the former ſo badly wounded, that he died in 12 hours.—This duel was fought it is ſaid in a public houſe, the parties firing at each other acroſs a table; perhaps it terminated as all others ſhould.

PROVIDENCE, JUNE 20.

Extract of a letter from a very reſpectable Member of Congreſs, to his friend in this State, dated June 13.

"*Moſt perſons here will not believe that your people will be long held in error with reſpect to their beſt intereſts. They conſider the ſpeedy acceſſion of your State as a matter of certainty. With that idea, the duty on lime and barley was ſtricken out of the impoſt bill. It was thought unneceſſary to take any meaſures to effect a purpoſe which of itſelf was ſo nearly accompliſhed. The ſeparation of your State is not contemplated as a poſſible event. It need not be ſaid, how much it would affect the union at large. The* means *which the government poſſeſſes to make the ſeparation undeſirable to your people, are equally obvious. Let your merchants, farmers and manufacturers, conſider well how much they have proſpered in a ſtate of union with their brethren, and what may be expected to enſure the continuance of their proſperity, whenever Congreſs ſhall be compelled to reſort to thoſe* means. *Every government muſt enforce its own revenue laws, and provide for the public ſafety and tranquility, as circumſtances may require. I do not pretend to ſay what would be the line of conduct, if your State ſhould finally renounce the union; but let a thinking Rhode-Iſland man weigh in his own mind, what prudence and juſtice will require to be done.*

"*I have not a doubt that your State will finally accede to the union. Nature, compact, intereſt, the ties of honor, and thoſe of blood, bind us indiſſolubly together. Of all political curſes, the moſt formidable is diſunion; for I do not know another, which* that *would not draw after it. I am ſhocked to argue upon ſuch a topic. Yet, if it is only probable that ſome party men intend a ſeparation, it would be very proper to warn your people of the conſequences.*

"*Of all conditions, that of fear and diſtruſt is the moſt painful. The reaſon why men ſubmit to bear the burthen of government, is to be actually ſafe, and to feel ſecure. What ſecurity againſt external force can your people have? The ſea is open to the fleets of foreign nations, and an imaginary line divides you from your neighbours. Either the States will be friendly, or they will not. If laws and oaths, and the aid of all good men, who will make common cauſe of any violation of their rights, will not induce you to unite with the States as brethren, on how much worſe ſecurity will you not truſt them as neighbours? Suppoſe them hoſtile, encroaching neighbours, what will protect your State? Not its own ſtrength. Will they ſeek foreign protection? The idea is deluſive. No nation in Europe would conſent to afford it, and all Europe would not long be able. Would all your property recompence them, if they ſhould? Would a nation of ſlaves—would armies and fleets reſpect your liberties, more than your own ſervants?*

"*What is to become of your proportion of the public debt? If that ſhould be adjuſted without the voice of your repreſentatives, and prompt payment demanded, would the burthen fall lightly upon your citizens? The taxes on conſumable articles will almoſt imperceptably relieve the States in the union from the effects of the war.*

"*Suppoſing the idea of a ſeparation to be diſdained, as it will be by every true American, then the people of your State muſt conſider the government as their own. If they are to live under it, and it is clear that they muſt, prudence will dictate that they ſhould not loſe time in acceding to it. The news-papers will ſhew, that almoſt every debate in Congreſs has involved the moſt precious intereſts of Rhode-Iſland. The intereſts of their eaſtern brethren are inſeparably united with their own. The aid of your State in Congreſs has been needed, and earneſtly deſired. Surely there is no profit in delay. On the contrary, you endanger your own cauſe—you may defeat your own wiſhes.*

"*The reaſons why your State ſhould join the government. The only reaſon why it ſhould not, is drawn from the ſuppoſed tendency of ſome parts of the conſtitution. That very reaſon will be found a very ſtrong one why they ſhould accede to it, and that with all poſſible expedition. The buſineſs of* amendments *is now before Congreſs. If your people are in earneſt, let them ſend their repreſentatives to unite with thoſe who are endeavouring to introduce them. They would be very arrogant and uncandid to ſuppoſe, that a majority in Congreſs are not as zealouſly diſpoſed to guard the freedom of America from violation as the people of Rhode-Iſland. But if they are the only people who love liberty, and who know how to ſecure it, the federal conſtitution, if it is as defective as they pretend, will furniſh ſcope for their talents. Congreſs is the body in which ſuch people may do good. If they are anxious to improve the government, why abſent themſelves from New-York? If amendments are not made, who will be leſs excuſable than they? If they object, perhaps the amendments will not be agreed to. The anſwer is plain, they muſt live under the government as it is. Surely the chance of their adoption is leſs, if Rhode-Iſland ſhould be unrepreſented. North-Carolina has even rejected the conſtitution yet they have called another convention, and will accede beyond queſtion. Why has that State been blind to the very different policy of yours? The example of North-Carolina ſhould be allowed ſome weight. The confidence that ſome amendments will be made, has guided them in twice calling a convention. I truſt that the diſcuſſion of the amendments will be liberally managed, and ſuch as are proper will be inſerted. A motion for the purpoſe has been made, and it was urged that it was proper to delay the conſideration for ſome time, in order that the States which have been moſt diſſatisfied might be repreſented. Rhode-Iſland was particularly alluded to, and it was ſaid to be impracticable for the members of your State to be choſen and ſent in a ſhort time. The motion contains a bill of rights, and many explanations which cannot fail to ſatisfy any reaſonable man. Accordingly the buſineſs was allowed to ſubſide. You may be aſſured, however, that it will be reſumed as ſoon as the government is organized, the revenue bill in operation, and the great departments arranged. At preſent, the Houſe is too cloſely occupied with thoſe objects to attend to any other. It will not be evaded or delayed a moment, and it is my ſincere belief that the amendments will prevail.*

"*Thus, Sir, the people of your State have the alternative plainly before them. An honorable opportunity preſents to join the union. Either they will accede, or they will not. If they accede, the ſooner they do it the better. I defy any man to point out, even upon antifederal principles, an advantage that will enſue by delay. There is proof, equal to demonſtration, of many diſadvantages and dangers that will attend it. On the other hand, if they renounce the union, they prefer danger to ſafety, poverty to opulence. It is thus that fear makes men blind: To avoid one danger, they often ruſh upon another; and to eſcape pain, ſuffer death.*"

An exact account has lately been taken of our navigation, by which it appears that there are now belonging to this port, 8 ſhips, 33 brigs, 40 ſloops, and 20 ſchooners—total 101 ſail, amounting to 9914 tons. Theſe are excluſive of river packets and boats. Of the ſaid veſſels more than three quarters are employed in diſtant voyages, and the whale fiſhery.

It may be obſerved, ſays a correſpondent, that it is out of the power of our merchants to fit one of the above veſſels (with a ſuitable cargo) either for Europe, the Eaſt or Weſt-Indies, or even on a whaling voyage, without the aſſiſtance of the United States; our own produce and manufactures being inſufficient for the purpoſe.

Thurſday afternoon the Lady and Son of His Excellency the Vice-Preſident of the United States arrived here from Boſton, and this day ſail for New-York. On their arrival here they were viſited by a number of ladies and gentlemen of the town, and yeſterday dined with a large company at the houſe of John Brown Eſq. every attention being paid them which the ſhortneſs of their ſtay would admit.

NEW-YORK, JUNE 27, 1789.

The 24th inſt. the feaſt of St. John (the Baptiſt), was celebrated by the ancient Society of Free Maſons in this city, with a degree of magnificence and liberallity, highly honorable to the craft: A well adapted diſcourſe was delivered by the Rev. Brother Dr. BEACH, at St. Paul's, to a crouded auditory; and a very handſome collection received for the relief of poor debtors in jail. The proceſſion on this occaſion was equal if not ſuperior, in reſpectability, numbers and appearance, to any ever before ſeen in America.

ODE to CHARITY.

Compoſed by brother Low, of Holland Lodge, ſung on the above occaſion.

RECITATIVE.

From regions of immortal bliſs above,
Impart thy genial emanations, Love!
Soul of our Order! Patron of this day!
Inſpire our hearts, and prompt the ſolemn lay.

AIR.

Come, BEAUTY of th' eternal Sire!
Whoſe Juſtice we adore,
Whoſe power and wiſdom we admire—
Thy ſmile attracts us more!

Faith may command the viſual ray,
Futurity to ſcan;
And *Hope*, by Fancy led aſtray,
May picture Heav'n to Man;

But thou, bleſt *CHARITY!* can'ſt give
Compaſſion's thrill divine;
From THEE we heav'nly joys derive,
For Joy and Heav'n are thine!

CHORUS.

And when *Faith* and *Hope* ſhall fade,
When Heaven's portals are diſplay'd
When, with tranſports vaſt and new,
Things ineffable we view;
Then (Religion's ſource and aim)
CHARITY ſhall fan the flame;
Love divine ſhall be our theme,
Love—eternal and ſupreme!
This, this alone our conſtant Heav'n ſhall prove—
The GOD of Heav'n in everlaſting Love!

The world is waiting with anxious expectation to ſee the operation of the new government: Much is juſtly expected from the legiſlature of the United States: The people of America having ſet an original example by adopting in peace, without force, fraud, or ſurprize, a Conſtitution, ſimple, plain, and competent to their exigencies, a doubt cannot remain, but that all the acts and doings of the legiſlature, will be ſuch a comment upon its principles, as will give it that compleat force and operation, which will crown the wiſhes of this great people.

The cauſe of humanity gains ground rapidly among mankind—How abſurd the idea that it ſhould ever want a friend among the human race! The abolition of African ſlavery is a conſummation devoutly to be wiſhed—but like other bad habits, it cannot be effected all at once—however, every man who feels the leaſt ſpark of ſenſibility glowing in his breaſt, will never let the ſubject reſt, till a ſyſtem ſhall be formed upon a ſcale however ſmall that ſhall finally wipe off this foul blot from the annals of civilization.

From various part of the eaſtward we learn, that there has been the heavieſt rains known in the memory of man.

A motion was made and obtained in the Houſe of Repreſentatives of Maſſachuſetts, the preſent ſeſſion, to appoint a committee to receive propoſals from the creditors of government, of the conditions on which they will relinquiſh their demands, in caſe ſufficient funds are provided for a punctual diſcharge of the intereſt annually; and the Treaſurer was appointed for the purpoſe.

The government of Rhode-Iſland has prohibited the exportation of grain from that State.

Laſt Thurſday arrived in this city, in the Hancock Packet, Capt. *Brown*, via. Newport, THE-LADY and SON of His Excellency the Vice-Preſident of the United States.

The publick exceedingly regret the accident by which the Hon. Mr. Huger, member from South-Carolina, was thrown out of his carriage on Thurſday laſt, and unfortunately had one of his legs fractured in a very dangerous manner.

ARRIVALS. NEW-YORK.

Wedneſday,	Brig Lucretia	Stray,	St. Domingo, 19 days.
	Schooner Tom,	Herring,	Edenton. N. C. 6 days.
	Schooner Thomas,	Jones,	Frederickſkurgh, Vir. 5 days.
	Sloop Nancy,	Ventcis,	Norfolk, 3 days.
	Sloop Nancy,	Coffinger,	Norfolk, 5 days.
	Sloop Caty,	Daſhwood,	Peterſburgh, Vir. 4 days.
Thurſday,	Schooner Sally,	Morgan,	York-Town, Vir. 5 days.
	Schooner Kitty,	Mead,	Charleſton, 6 days.
	Schooner Eagle,	Coffin,	Hallifax, 12 days.
	Sloop Hancock,	Brown,	Rhode-Iſland, 4 days.
	Sloop Pagy,	Cahoone,	Rhode-Iſland, 4 day.
Friday,	Ship Lauanta,	Docket,	Newfoundland, 15 days.
	Brig Chriſtian Benedicta,	Euk Glad,	Leghorn, 84 days.
	Brig ———,	Moſley,	York-Town, Vir. 9 days.
	Sloop Triall,	Barnard,	Port au Prince, 19 days.
	Sloop Polly,	Timſon,	Portſmouth, Vir. 7 days.

PRICE CURRENT.——NEW-YORK.

JUNE 27, 1789.

Jamaica Spirits,			5/6.
Antigua Rum,			5/.
St. Croix, do.			4/8.
Country, do.	2/8.	*a*	2/10.
Molaſſes,	2/2.	*a*	2/3.
Brandy,	5/6.	*a*	5/9.
Geneva,			5/3.
Do. in caſes,			20/.
Muſcovado Sugar,	56/.	*a*	72/.
Loaf, do.			1/3.
Lump, do.			1/1½.
Pepper,			2/8.
Pimento,	1/9.	*a*	2/.
Chocolate,			1/2.
Cocoa,	75/.	*a*	80/.
Coffee,	1/8.	*a*	1/9.
Indigo, (Carolina)	4/.	*a*	6/.
Rice,	23/.	*a*	24/.
Superfine Flour,			45/.
Common do.	42/6.	*a*	43/
Rye do.	26/.	*a*	27/.
Indian Meal,			18/.
Rye,	4/9.	*pr. buſh.*	
Corn, (Southern)			4/.
Do. (Northern,)	4/3.	*a*	4/6.
Beef, firſt quality,	48/.	*a*	50/.
—— Second quality,			41/6.
Pork, firſt quality,			81/6.
—— Second quality,			76/6.
Lard,	8*d.*	*pr. lb.*	
Butter,	7*d.*	*a*	8*d.*
Hams,	6½*d.*	*a*	7*d.*

The RIGHT CONSTITUTION *of a* COMMONWEALTH EXAMINED.

[Continued from No. XX.]

Nedham had forgotten the example of Caſſius, which would have been equally appoſite to prove a ſimple ariſtocracy a bad government, and equally improper to prove that the people in their ſupreme aſſemblies, ſucceſſively choſen, are the beſt keepers of their liberty. It is alſo equally proper to prove the contrary, and to ſhew that ſuch a ſimple democracy is as dangerous as a ſimple ariſtocracy. Theſe examples all ſhow that the natural principles of the Engliſh conſtitution were conſtantly at work among the Roman people: That nature herſelf was conſtantly calling out for two maſters to controul the ſenate, one in a king or ſingle perſon poſſeſſed of the executive power, and the other in an equal repreſentation of the people poſſeſſed of a negative on all the laws, and eſpecially on the diſpoſal of the public money. As theſe examples are great illuſtrations of our argument, and illuſtrious proofs of the ſuperior excellence of the American conſtitutions, we will examine the ſtory of Caſſius before we come to that of the decemvirs.

The firſt notice that is taken of Caſſius is in the year 252, when he was conſul, gained conſiderable advantages over the Sabines, and received the honor of a triumph. In 256 he was choſen by Lartius the firſt dictator, General of the horſe, and commanded a diviſion of the army with ſucceſs againſt the Latines. In the year 261, when diſputes ran ſo high between patricians and plebeians, that no candidate appeared for the conſulſhip, and ſeveral refuſed, the veſſel was in ſuch a ſtorm that nobody would accept the helm. The people who remained in the city at laſt nominated Poſthumius Cominius, A. R. 261, and Spurius Caſſius, who were believed equally agreeable to plebeians and patricians. The firſt thing they did was to propoſe the affair of the debts to the Senate: a violent oppoſition enſued, headed by Appius, who conſtantly inſiſted that all the favor ſhewn the populace only made them the more inſolent, and that nothing but inflexible ſeverity could reduce them to their duty. The young Senators all blindly adopted this opinion: nothing paſſed, in ſeveral tumultuous aſſemblies, but altercations and mutual reproaches. The ancient Senators were all inclined to peace. Agrippa, who had obſerved a ſagacious medium, neither flattering the pride of the great, nor favoring the licence of the people, being one of the new ſenators whom Brutus had choſen after the expulſion of Tarquin, ſupported the opinion that the good of the State required the re-eſtabliſhment of concord among the citizens. Sent by the Senate on a committee to treat with the people retired to the ſacred mountain, he ſpoke his celebrated fable of the Belly and the Members. The people at this conference, which was in 261, inſiſted, that as, by the creation of dictators with unlimited authority, the law, which admitted, appeals to the people from the decrees of any magiſtrate whatever, was eluded, and in a manner made void, tribunes ſhould be created, a new ſpecies of magiſtrates, whoſe ſole duty ſhould be the conſervation of their rights. The affair of Coriolanus happened in this interval between the firſt conſulate of Sp. Caſſius in 261, and the ſecond in 268; in which, probably, he had acted in favor of the people in eſtabliſhing the tribunate, and in defending them againſt Coriolanus, Appius Claudius, and the other oligarchic Senators. This year, 268, he marched againſt the Volſci and Hernici, who made peace, and the conſul obtained the honor of a triumph.

Caſſius, after his triumph, repreſented to the Senate, that "the people merited ſome reward "for the ſervices they had rendered the com- "monwealth, for defending the public liberty, "and ſubjecting new countries to the Roman "power: that the lands acquired by their arms "belonged to the public, though ſome patricians had appropriated them to themſelves: that "an equitable diſtribution of theſe lands would "enable the poor plebeians to bring up children "for the benefit of the commonwealth; and that "ſuch a diviſion alone could eſtabliſh that equality which ought to ſubſiſt between the citizens "of the ſame State.' He aſſociated in this privilege the Latines ſettled at Rome, who had obtained the freedom of the city.—Tum primum lex Agraria promulgata eſt. Liv. l. ii. 41. This law, which had at leaſt a great appearance of equity, would have relieved the miſery of the people, and no doubt rendered Caſſius popular.

(To be continued.)

SKETCH OF THE POLITICAL STATE OF AMERICA.

[*Continued from* No. XX.]

AS the circumſtance of having two of the American States ſtill continue in their refuſal to join in union with the others, is a matter of ſpeculation, and engages much of the public mind, it may not be amiſs, at this time, to make a few general obſervations on this ſubject; in which it will appear, that ſtrong natural and political reaſons oppoſe their preſent diſunion, and both muſt forcibly operate to effect their future junction: We proceed to examine ſome of the cauſes reſulting from both theſe principles—and it may from the former be fairly argued, that nature has evidently deſigned theſe States, at leaſt for many years to come, to be one united nation, and with her unerring hand, pointed out innumerable bleſſings to be derived to the inhabitants of this Weſtern World from ſuch an union: For their encouragement to perſevere in completing this noble fabric as a Temple to the Goddeſs of Liberty—a relief from the ſcourage of tyranny—the ill directed zeal of ſuperſtition and bigotry—and an aſylum to the oppreſſed of all mankind: The reciprocal wants of men ariſing from local ſituation and other circumſtances, are here provided for by the kind author of nature, in giving to America a participation of the various climates of the world:—Here a brother's arm, nerved by the bracing zephyrs of the Weſt, ſhall be extended to the aid of a brother enfeebled by the ſcorching beams of a vertical ſun—Here the riches, which a fertile ſoil and favorable climate give to the ſuns of the South, ſhall be waſted by their hardy brethren of the North, to every part of the globe—The blood, become almoſt ſtagnant by the chilling froſt of northern latitudes, ſhall be forced from the heart by the generous juice of the ſouthern grape—The induſtrious worm, wrapt in his little orb, ſhall (unfolded by the genial ray of a tropical ſun) expand his ſilken wings over the fair daughters of Columbia—while the fleecy tribe ſhall willingly yield their ſnow white veſtment to cloath the arm by which they are cheriſhed and protected.

Having viewed ſome of the natural, we proceed to notice ſome of the political ties, which ought to cement this Continent in one firm, efficient union: The firſt of which ariſes from the propriety of obſerving that maxim, ſo eſſential to the ſupport of any government, and more eſpecially a republican, that the minority ſhould ever quietly ſubmit to be governed by the majority: However, in objection to this, ſome fine-ſpun arguments have been ſophiſtically urged to prove, that each individual State poſſeſſes within itſelf all the ſovereignty of a diſtinct nation; but ſuch ideal, chimerical aſſertions, cannot make an impreſſion on the mind deeper than the ſurface of the paper which contains them. What do we mean by ſovereignty, but the depoſit of ſupreme power: Can there be thirteen depoſits of ſupreme power exiſting at the ſame time, directed to ſimilar ends, and for the ſame purpoſes: Shall the language of the ſeveral States to the general government ſtill be what McFingal has heretofore well deſcribed it,

> "You ſhall be Viceroys it is true;
> "But we'll be Viceroys over you."

No—rather let our united language in future, run thus:

> We'll be a nation, it is true,
> And for that end, the means purſue.

It is certain, without practiſing on this principle, we can never claim that character. Of what avail will be the poſſeſſion of ſovereignty in each State, without the ability to ſupport it! The madman ſees in the watry mirror a crown dazzling with diamonds, and plunging to graſp the fancied object, periſhes in the attempt. Who doubts of the natural independency of every ſon of Adam; but who will contend that both his power and liberty are moſt compleat under the operation of a good government.

Theſe States, in that united act by which they abjured the Britiſh government, not only pledged themſelves to each other for every poſſible riſque in their conteſt to be rid of uſurpation and tyranny; but alſo their joint exertions to raiſe a future government, calculated to ſecure their freedom and happineſs—and no one of them has now a right to recede from the original contract, or oppoſe thoſe meaſures which a majority of their fellow citizens have deemed as neceſſary to effect this valuable purpoſe; nor is their conduct in diſſenting from the union to be juſtified on any principle of government—having a tendency to bring on their country greater evils than thoſe it has been contending to avoid—the horrors of a civil war. The States alluded to are indebted to the others for their joint efforts in emancipating them from a foreign yoke: They have a part of the expence incurred by the war to diſcharge—for which juſtice cannot withold her claims: Many more reaſons could be urged to ſhew the impropriety and ill tendency of their preſent defections—but it is yet to be hoped, that the paſſions of men, their little views, and miſtaken intereſts, will not be ſuffered to fruſtrate the benevolent deſign of Heaven, marked by every circumſtance of our natural ſituation, and ſo often exemplified in our progreſs towards the rank and character of a nation.

AMERICANUS.

MR. FENNO,

I HAVE with much attention conſidered the obſervations handed to the public, through the channel of your paper, by Americanus; and am under the neceſſity of ſubſcribing to his opinion, in favor of a *ſecretary* for domeſtic affairs; not from any regular train of reaſoning which he has uſed, or deductions which he has drawn in ſupport of this *department*, but from the *duties* he has aſſigned to his *ſecretary*: two very eſſential ones, he has however omitted.—Theſe are the diſcovery of the perpetual *motion*, and the *longitude*. The *firſt* of theſe, is in my humble opinion of the utmoſt importance to the United States, particularly in the article of manufactures, ſo neceſſary to our exiſtence. I apprehend little reaſoning will be ſufficient to eſtabliſh this point. It is generally agreed that *motion*, is neceſſary in almoſt every branch of manufactures, and perhaps ſome ingenious philoſopher, may yet find it requiſite in every branch. At preſent this *motion* is generally produced by men; but this ſource muſt ſhortly fail from the infatuation, and madneſs, which has taken hold of our labourers for emigrating into the weſtern country: now when this ſhall happen, I humbly conceive *Sir*, that the *perpetual motion* will be abſolutely neceſſary to ſupply this defect.

Americanus's laſt paragraph is a very extraordinary piece of compoſition: I have ſtudied it with the utmoſt care, and with the expreſs deſign of ſubſcribing to his opinions relative to the weſtern territory, as well as to the duties of his *domeſtic ſecretary*; but *Sir*, his opinions are ſo involved by *words*, without any direct concluſion, that it was with difficulty I could find what he was driving at. In the beginning he tells us, that he has his "doubts of the principle, which in a degree leads to the neceſſity of ſuch an eſtabliſhment," as a land-office for the weſtern territory. Why this, or any other *writer*, ſhould have his "*doubts*" on the ſubject, is truly aſtoniſhing. The "principle," or rather principles, which lead us directly to "ſuch an eſtabliſhment," as the pointers do to the north pole, are *firſt*, the country: *ſecondly*, the military bounties: *thirdly*, the ſales already made by the United States of part of the territory: *fourthly*, the right that people have to ſettle their own lands, and *fifthly*, the right that a perſon has to go from one place to another, whether on foot, on horſe-back, or in a waggon.

Americanus, views "any encouragement to emigrate in the preſent ſtate of our population, as building up the interior part of this country, at the expence of the atlantic ſettlements." If by diſpoſing of that country, "the atlantic ſettlements" pay their public debt, the caſe will be directly reverſed; "the atlantic ſettlements" will get clear of their debt, at the expence of the weſtern territory.—What he means by "producing an undue proportion of certain intereſts," would require a commentator with all the abilities of *Julius Sealiger*, to unravel.—This writer grants, that if "the ſpirit of emigration cannot be well ſtopped, or greatly checked, that it will be doubtleſs moſt politic to methodiſe the ſettlement of the weſtern country." The emigration cannot poſſibly be checked while the inhabitants of "the atlantic States," find it their intereſt to remove. The manufacturers will reſide where they can be the moſt advantageouſly employed—the ſame may be ſaid of any other claſs of citizens in the United States; and no ACT, without it is ſufficiently *energetic* to alter the nature of things, can poſſible take away ſuch a *right* in this country; and any attempt, to produce ſuch an effect, can only have a tendency, to ſhew the imbecility of government when directed to improper objects.

The great popular objection to ſettling the weſtern country, is the loſs of our mechanics.—This objection is founded in mere ſpeculation, and can only have weight from experience; and however plauſible at preſent, will loſe its force if the weſtern country ſhould be more favorable to manufactures, than "the atlantic ſettlements."

When it becomes the intereſt of the people to manufacture, they will attend to it whether eaſt, or weſt of the Allegany Mountains; and when it is not, no *laws* nor *regulations*, can compel them to it.

A. E.

THE NATIONAL MONITOR.——No. X.

Nothing will conduce more to ſtrengthen, confirm, and perpetuate the Union of theſe States, than a more perfect acquaintance with the temper, genius, manners, laws, cuſtoms, and habits of each other.

AMONG the happy effects of the late war, may be reckoned the eradication from the minds of our citizens, of many deep rooted prejudices, which prevented that mutual reſpect for the characters of the ſeveral States, ſo honorary and beneficial to the general intereſt of the whole. That intercourſe which neceſſarily aroſe from the circumſtance of marching the eaſtern and northern troops through the middle States, to fight the battles of their country in the ſouth, and ſo viceverſa, was productive of laſting and ſalutary conſequences: Thouſands by this means were made acquainted with the geography of the country—its immenſe extent—its produce—its improvements—its worth, and ſhewed them what they fought for: The planters were taught to admire the hardihood, the independence and bravery of their northern brethren; and while they contemplated their ſtern republican virtues, they imbibed the ſame ſpirit of enterpriſe, and acknowledged the wiſdom of thoſe inſtitutions, which exiſted in the eaſtern States, and which contributed ſo eſſentially to produce an enlightened race of heroes in the yeomanry of the country. On the other hand the force of thoſe republican principles, which inſpired the majority of the citizens of the ſouthern States, was no leſs an object of pleaſing contemplation: Theſe principles were paramount in their operation to all local habits and cuſtoms: They burſt the barriers of an education friendly to domeſtic ſervitude, *and produced a glorious emulation in the cauſe of univerſal liberty. The war likewiſe produced a great variety of political, commercial, friendly, and conjugal connections—the benign influences of which are continually expanding, and are among the happieſt concomitants of peace—and there is no doubt, have contributed greatly to the production of that uniformity of ſentiment which has led to the preſent happy proſpects of this great republic. If the caſual and tranſient acquaintance of our citizens in a time of war, has contributed to theſe events—what may not be expected from a mutual exchange of ſentiments, and an harmonious intercourſe for the beſt of purpoſes in a time of peace?*

C.

(The ſubject to be continued.)

Publiſhed by JOHN FENNO, No. 9, MAIDEN-LANE, near the *Oſwego-Market*, NEW-YORK.—[3 dol. pr. an.]